

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SAMUEL GOWRIE and HEATHER GOWRIE,  
  
Plaintiffs,  
  
- against -  
  
HYSTER-YALE GROUP, et al.,  
  
Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/14/2023

19 Civ. 4714 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

In accordance with the Court's Order, dated July 12, 2023 (see Dkt. No. 67), on August 21, 2023, plaintiffs Samuel Gowrie and Heather Gowrie (collectively, "Plaintiffs") filed a motion to (i) substitute the name, "Dor-a-Mar Canvas Products Company, Inc." ("Dorammar") -- a non-fictitious defendant of common (New York) citizenship with plaintiffs - - for "XYZ Entity #1," the fictitious name of that defendant in the case caption; and (ii) remand this action to Supreme Court of New York, Bronx County. (See "Motion," Dkt. No. 69; "Brief," Dkt. No. 70.) Plaintiffs' Motion indicated that the Court lacks subject matter jurisdiction to hear this case because the parties are now no longer diverse, and diversity of citizenship constituted the sole ground of federal jurisdiction. The Motion further requested that the Court schedule a conference for September 20, 2023 so that Plaintiffs could be heard on the Motion.

Defendants did not respond to Plaintiffs' Motion within fourteen (14) days of Plaintiffs' filing, as ordered by the Court on July 12 2023. Thus, the Court considers the Motion unopposed.

As the Court finds that there is no longer a basis for federal court jurisdiction, it is hereby

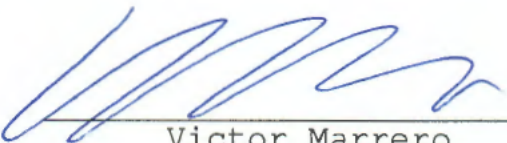
**ORDERED** that the motion filed by plaintiffs Samuel Gowrie and Heather Gowrie (collectively, "Plaintiffs") is **GRANTED**, in part, and **DENIED**, in part. Specifically, the Court denies Plaintiffs' request for a conference on September 20, 2023; and it is further

**ORDERED** that the name "Dor-a-Mar Canvas Products Company, Inc." ("Doramar") is substituted for defendant "XYZ Entity #1" in the case caption; and it is further

**ORDERED** that this action is remanded to Supreme Court of New York, Bronx County. The Clerk of Court is respectfully directed to terminate any pending motions and to close this case.

**SO ORDERED.**

Dated: 14 September 2023  
New York, New York

  
\_\_\_\_\_  
Victor Marrero  
U.S.D.J.